

IN THE UNITED STATES DISTRICT COURT OF THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

JACQUELINE PORTER & WILLIAM
PORTER,

Plaintiffs,

v.

KEITH D. PATERSON; TRAVELERS
INDEMNITY INSURANCE COMPANY;
et al.,

Defendants.

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Case No. 3:06cv373-SRW

DEFENDANTS' JOINT NOTICE OF REMOVAL

Come now the Defendants Keith D. Patterson (hereinafter, "Patterson") and Travelers Indemnity Insurance Company (hereinafter, "Travelers") (collectively, the "Defendants") in the above-styled cause and file this Notice of Removal of said action from the Circuit Court of Russell County, Alabama to the United States District Court for the Middle District of Alabama, Eastern Division, and show and represent unto the Court as follows:

1. On March 22, 2006, Jacqueline Porter and William Porter (hereinafter, the "Plaintiffs") filed suit against Patterson and Travelers in the Circuit Court of Russell County, Alabama (Civil Action Number CV 06-118). On March 28, 2006, the Summons and Complaint was served upon Travelers. On April 4, 2006, the Summons and Complaint was served upon Patterson. Because this Notice of Removal is filed within thirty days of initial service of the original Complaint on the first-served defendant, it is timely under 28 U.S.C. ' 1446(b).

2. The Plaintiffs are, and were at the time of the institution of this civil action, and at all times intervening, citizens and residents of the State of Georgia. (*See* Complaint at Parties and Jurisdiction, ¶¶ 1, 2).

3. Travelers is, and was at the time of the institution of this civil action, a corporation incorporated under the laws of the State of Connecticut, having its principal place of business in the State of Connecticut.

4. Patterson is, and was at the time of the institution of this civil action, an individual, resident citizen of the State of Florida.

5. The matter in dispute in said suit, and for which suit is brought, exceeds the sum of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars, excluding all interests and costs, in that the Complaint makes the following allegations:

- (a) Paragraph 7 of the Complaint alleges negligence and wantonness by the Defendant Patterson in causing a motor vehicle accident on May 2, 2004.
- (b) Paragraph 9(a) of the Complaint alleges that the Plaintiff Jacqueline Porter was caused to suffer and continues to suffer physical injuries.
- (c) Paragraph 9(b) of the Complaint alleges that the Plaintiff Jacqueline Porter experienced and continues to suffer pain and suffering and mental anguish.
- (d) Paragraph 9(d) of the Complaint alleges that the Plaintiff Jacqueline Porter incurred medical expenses in and about an effort to treat, cure, and/or heal the physical injuries.
- (e) The Plaintiffs seek unlimited compensatory and punitive damages.

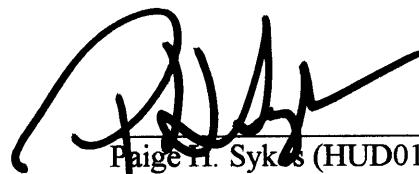
6. Furthermore, prior to filing suit, the Plaintiffs made a demand of \$250,000.00. Accordingly, the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

7. The Defendants have not yet appeared or pleaded in said action. Copies of all process, pleadings, and orders that have been filed in the above-styled cause are attached to this Notice of Removal as Exhibit "A."

8. The United States District Court for the Middle District of Alabama has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1446, because the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and it is between citizens (one being a corporation) of different States.

9. The Defendants will promptly upon the filing of the Notice of Removal give written notice thereof to the Plaintiffs and file a copy of said Notice of Removal with the Clerk of the Circuit Court of Russell County, Alabama.

WHEREFORE, the Defendants Keith D. Patterson and Travelers Indemnity Insurance Company, desiring to remove this case to the United States District Court for the Middle District of Alabama, Eastern Division, being the district and division of said Court for the County in which said action is pending, pray that the filing of this Notice of Removal with this Court and the filing of the Notice of Filing Notice of Removal with the Clerk of the Circuit Court of Russell County, Alabama shall effect the removal of said suit to this Court.



Paige H. Sykes (HUD016)
Attorney for the Defendant
Travelers Indemnity Insurance
Company

OF COUNSEL:
ROGERS & ASSOCIATES
3000 Riverchase Galleria
Suite 650
Birmingham, AL 35244
(205) 982-4620
(205) 982-4630 FAX
psykes@spt.com



Stanley A. Martin (MAR149)
Attorney for Defendant
Keith D. Patterson

Post Office Box 2526
Opelika, Alabama 36803-2526
(334) 749-4142
(334) 749-4131 FAX
smartin@stanmartinlaw.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a correct copy of the foregoing Defendants' Joint Notice of Removal upon the following counsel of record, by depositing a copy of same in the United States Mail, properly addressed with first class postage prepaid thereon.

Douglas J. Fees, Esquire
The Cochran Firm
401-403 Madison Street
P.O. Box 508
Huntsville, AL 35804

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This 21st day of April, 2006.



Stanley A. Martin